



Contract No.: 762-9349

Agreement to Supply: NON-MOTORIZED WATERCRAFT CONCESSIONS

This agreement, made and entered into this the _____ day of _____, 2006, is by and between the **CITY OF FORT LAUDERDALE**, a Florida municipality, City Hall, 100 North Andrews Avenue, Fort Lauderdale, FL 33301, hereinafter called the "City" and name of "Contractor":

Name of Contractor:

Tiki Beach Watersports, Inc.

Address: 805 SW 17 Street City: Fort Lauderdale State: FL Zip: 33315

A Corporation ☒ A Partnership ☐ An Individual ☐ Other: _____

hereinafter called the "Company" or "Contractor" Witnesseth that: Whereas, the City did advertise and issue a Request for Proposal (RFP) for supplying the requirements of the City for the items and/or service listed above, for a period of three (3) years and the Contractor submitted a proposal that was accepted and approved by the City.

Formal authorization of this contract was adopted by the City Commission on: June 6, 2006 Pur-8

Now, therefore, for and in consideration of the premises and the mutual covenants herein contained, the parties covenant and agree as follows:

1. The Company agrees to provide to the City, during the period beginning 06/06/06 and ending 06/05/09 for the concession services listed above and according to the following specifications, terms, covenants and conditions:

a. The Request for Proposal containing General Conditions, Special Conditions, Specifications, addenda, and/or any other attachments forming a part of RFP Number 762-9349 and the Contractor's proposal in response, form a part of this contract and by reference are made a part hereof.

b. In construing the rights and obligations between the parties, the order of priority in cases of conflict between the documents shall be as follows:

- 1) This contract Form G-110, Rev. 12/00
- 2) The City's RFP and all addenda thereto
- 3) Contractor's bid/proposal in response to the City's RFP

c. **Warranty:** The Company by executing this contract embodying the terms herein warrants that the product and/or service that is supplied to the City shall remain fully in accord with the specifications and be of the highest quality. In the event any product and/or service as supplied to the City is found to be defective or does not conform to specifications the City reserves the right to cancel that order upon written notice to the Contractor and to adjust billing accordingly.

d. **Cancellation:** The City may cancel this contract upon notice in writing should the Contractor fail to reasonably perform the service of furnishing the products and/or services as specified herein upon 30 days written notice. This applies to all items of goods or services.

e. **Taxes Exempt:** State Sales (#16-03-196479-54C) and Federal Excise (#59-600319) Taxes are normally exempt, however, certain transactions are taxable. Consult your tax practitioner for guidance where necessary.

2. Contract Special Conditions: The following special conditions are made a part of and modify the standard provisions contained in this contract Form G-110.

3. Contract Summary:

a. Attachments:

Tiki Beach Watersports, Inc.'s response to the RFP ^{by assignment} and a copy of the RFP document

b. Payment Terms:

To be paid in equal quarterly payments or annual payment in advance

d. Insurance: Yes ☒ No ☐

e. Performance Bond/Letter of Credit: Yes ☒ No ☐

f. Procurement Specialist's Initials: RE

4. Contractor's Phone Numbers: Office: 954-647-7228

Mobile:

5. Contractor's Fax Number: 954-524-1103

6. Contractor's E-Mail Address: nhukusa@aol.com

Website:

City of Fort Lauderdale

By: Neill Walker for K.B.
Director of Procurement Services (City Manager's Designee)

Auth: Sec. 2-180(8) of Code and Procurement Memo No. 04-03

Date: 6/15/06

Ray Baral
Assistant City Attorney (approved as to form)

Date: 6/14/06

Contractor/Vendor

NEIL HUTCHINSON
Name of Company Officer (please type or print)

By: [Signature]
Authorized Officer's Signature

Title: PRESIDENT

Date: 6-16-06

Attest: [Signature]
Signature of Secretary

TERRI J. FLECK
Secretary (please type or print)

ORIGINAL
INCLUDING CHECK
ON PAGE 2.

Slingshot Watersports
Neil Hutchinson
805 SW 17th Street
Fort Lauderdale, FL.

Proposal For Non-motorized Watercraft Concession

RFP #: 762-9349

Page 1 – Signature Page

Page 2 – Financial Proposal

Page 3,4 – Technical Proposal

Page 5,6 – Questionnaire

Page 7,8 – Images

CONTRACT
COPY

PROPOSAL SIGNATURE PAGE

TO: The CITY of Fort Lauderdale, FL

The below signed hereby agrees to furnish the following article(s) or services at the price(s) and terms stated subject to all instructions, conditions, specifications addenda, legal advertisement, and conditions contained in the RFP. I have read all attachments including the specifications and fully understand what is required. By submitting this signed proposal I will accept a contract if approved by the CITY and such acceptance covers all terms, conditions, and specifications of this proposal.

Proposal submitted by:  (signature) 02-01-06 (date)

Name: Neil Hutchinson

Title: President

Company: Slingshot Watersports

Address: 805 SW 17th Street

Fort Lauderdale, FL 33315

Telephone No. 954-647-7228 Fax No. 954-524-1103

E-mail: nhukusa@aol.com

Does your firm qualify for MBE or WBE status In accordance with Section 1.08 of General Conditions? **N/A**
MBE _____ WBE _____

ADDENDUM ACKNOWLEDGEMENT - Proposer acknowledges that the following addenda have been received and are included in his proposal:

Addendum No.

Date Issued

N/A

VARIANCES: State any variations to specifications, terms and conditions in the space provided below or reference in the space provided below all variances contained on other pages of RFP, attachments or proposal pages. No variations or exceptions by the Proposer will be deemed to be part of the proposal submitted unless such variation or exception is listed and contained within the proposal documents and referenced in the space provided below. If no statement is contained in the below space, it is hereby implied that your proposal complies with the full scope of this RFP.

Variances:

None

**PROPOSAL PAGES PART I - FINANCIAL PROPOSAL
FOR NON-MOTORIZED WATER SPORTS CONCESSION**

ANNUAL CONCESSION FEE PAYABLE TO THE CITY:

To be paid in equal quarterly payments or annual payment in advance.

First Contract Year: **\$15,000 + \$300 Application Fee***
(minimum acceptable to the City is \$2,700.00 per year)

Second " " **\$16,500**
(Must be First Year Fee plus a minimum of 10%)

Third " " **\$18,150**
(Must be Second Year Fee plus a minimum of 10%)

List below all equipment that will be utilized for the concession and their current value. List all rental equipment (code with an R), the Chase/tow vessels(s) (code with a C), and accessory equipment such as trucks trailers etc (code with an A). Please provide one set of color photos of equipment.

<u>Description</u>	<u>Qty.</u>	<u>Value</u>	<u>Total</u>
_(R) Hobie Cats	6	\$2,500	\$15,000
_(R) Kayaks	4	\$400	\$1,600
_(R) Kite Surfers	4	\$1,200	\$4,800
_(R) Boogie Boards	6	\$30	\$180
_(R) Windsurfers	1	\$500	\$500
_(C) Wave Runner	1	\$5,000	\$5,000
_(A) 17' Equipment Trailer	1	\$5,000	\$5,000
_(A) Chevrolet Express Van	1	\$25,000	\$25,000

(use additional sheets if necessary)

* see Part III Special Conditions, Section 19.

PROPOSAL PAGES PART II -
NON-MOTORIZED CONCESSION TECHNICAL PROPOSAL

The following issues should be fully responded to in your proposal in concise narrative form. Additional sheets should be used, but they should reference each issue and be presented in the same order.

- I. Understanding of the City's needs for the concession and your overall approach to those needs.

To provide a safe and professional watersports rental service to tourists and local residents alike while working closely with the Fort Lauderdale Beach Patrol and the City to police and ensure all regulations and rules of this location of beach are met by clients and the public. All customers of 16 years of age and older may rent or take lessons on all sailing watercraft we offer. Other rentals, such as but not limited to, Boogie boards younger persons can rent with a parent or guardian signature.

We will place marker buoys in the ocean to define the public swimming areas. All storage will be in a daily moveable trailer on the North end of the wooden boat ramp.

We will offer an arrangement of non motorized watercraft offer rentals and lessons. Including: Hobie Cats, Kayaks, Kite Surfing, Boogie Boards and windsurfers, all of which will be color coded so they can be identified as a rental craft.

- II. Your proposed operational plan to include:

Central theme of the concession.

Concession Marketing plans.

Days and hours of operation.

Management plans and staffing levels.

Plans for maintenance, waste collection and security.

Renter safety instruction plans.

Any other information you feel will assist the City in evaluating your proposal.

- **We will offer a safe but fun non-motorized watersports concession to tourists and local residents.**
- **We will market our concession with a color brochure throughout Broward county. Advertisement in National watersports magazines.**
- **We will be open seven days per week, year round from 10am till 5pm weather permitting.**
- **The location will be managed by myself, Neil Hutchinson, president/owner. There will also be one staff member, on a part time bases of a very high level of knowledge and experience.**
- **There will be no major maintenance performed on the beach.**
- **All renters will be verbally pre qualified on their experience and ability to navigate non-motorized watercraft and where necessary will be encouraged to take lessons when needed. All clients will be required to wear a personal flotation device (provided for free) when required by law. All customers and public users of the launch will be briefed on safety and boundaries of the watersports area, marked out by the city and the concession. When needed customers will be escorted out through the marked channel and into the boating area offshore where they will be monitored with the use of binoculars and if necessary we will provide assistance with our safety waverunner. All watercraft will be required to return to the beach through the marked designated channel. All rented items will be identified by a yellow streamer or an orange buoy.**
- **Kite Surfing will not be a rentable activity and only lessons will be provided. BUT the**

concession will police and monitor all kite surfing activity by the public at the launch by ensuring that all kitesurfers understand and are willing to abide and help police the kite surfing rules of Ft. Lauderdale beach concession. All public kite surfers will be issued an identifying streamer to be flown from their kites after proving to that they are of the ability level to comply to all rules. This will be free of charge to the public.

- Kite surfing rules that every kite surf must follow and help police:
 1. Kite set up is between the four cones.
 2. Launch and land safely between the four cones.
 3. All kitesurfers must leave and return to the beach between the designated buoys and within the corridor until beyond the vessel exclusion buoys.
 4. Continuous riding near the shoreline is not permitted.
 5. Emergency entry to the beach outside of the designated area must be with kite in hand as in the standard self rescue technique.
 6. All kitesurfers must help each other operate their craft safely.
 7. Kite surfing violators will be asked to correct their violations or leave. Any kitesurfers continuously violating these rules will answer to the local authorities. (Beach Patrol or Police)
 8. Kitesurfers may be restricted on crowded days and severe weather conditions.

III. List below your proposed rental rates for the initial contract year. Describe equipment and list proposed rates for an hour, more than an hour, half day or day, etc.

<u>Description</u>	<u>Rental Period</u>	<u>Rate</u>
Hobie Cats	1hr/3hr	\$70/150
Kayaks	1hr	\$30
Kite Surfing	1hr supervised	\$100
Boogie Boards	1hr	\$10
Windsurfing	1hr/4hr	\$40/100
Hobie Cat Lesson (Use additional sheets if necessary)	1hr	\$100

IV. How many calendar days from contract award would you need prior to initiating operations?

30 Days

PROPOSAL PAGES PART III QUESTIONNAIRE

Prior Experience:

Number of years experience the proposer has had in providing similar services:

15 years

List below those persons who will have a management or supervisory position in the concession, if you are awarded the contract. List name, title or position, and project duties. A resume or summary of experience and qualifications must accompany your proposal.

Neil Hutchinson, President. (Owner/Operator)

1993 – Present: Worked for Chris Kjos (Watersports Unlimited) 954-816-0944

- Beach rentals, Hobie Cats, Kayaks, Windsurfers, Boogie Boards
- Kite surfing instructor
- Coast Guard Captain
- Parasailing and wave runner expert

2002 – Present: Owner/operator of www.bahamacrossing.com.

- Organizing watersports vacations for groups to locations throughout Florida and the Caribbean.
- Organization of watersports events.
- Professional kitesurfer
- Guinness World Record holder for the longest distance traveled on a kite. (Key West to Veradera, Cuba)
- Public relations for media relating to watersports.

List all clients for whom you have provided similar services in the last three years. Provide agency name, address, telephone number, contact person, and date service was provided. If services provided differs from the one presented in your proposal, please delineate such differences.

Watersports Unlimited, Fort Lauderdale, Fl. Contact: Chris Kjos 954-647-7228

Aloha Watersports, Fort Lauderdale, Fl. Contact: Wayne Mascolo 954-462-7245

H2Air Kiteboarding, Dewey Beach, DE. Contact Dave Loop 301-802-0295

Crazy Greg Speed Boat Adventures, Fort Lauderdale, Fl. Contact: Robert Macintyre 954-648-1149

Florida Kitesurfing Association Inc, Delray Beach, Fl. Contact: Rick Iossi 561- 436-8411

Billy Evans, Ft. Lauderdale Beach Patrol. 954-303-6647

List those City of Fort Lauderdale agencies with which the proposer has had contracts or agreements during the past three (3) years:

None

Lawsuits (any) pending or completed involving the corporation, partnership or individuals with more than ten percent (10%) interest:

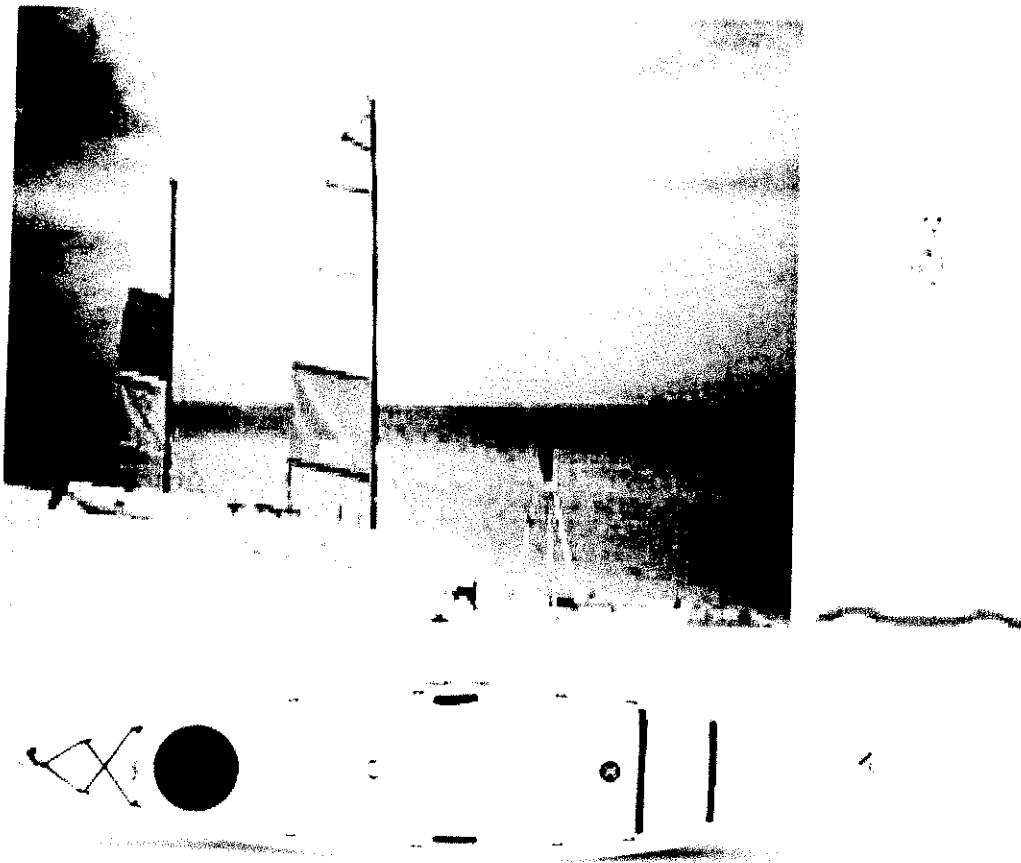
a. List all pending lawsuits which are concerned directly with the staff or part of your organization proposed for the contract:

None

b. List all judgments from lawsuits in the last 5 years which are concerned directly with the staff or part of your organization proposed for the contract.

None

The proposer understands that the information contained in these Proposal Pages is to be relied upon by the City in awarding the proposed Agreement, and such information is warranted by the proposer to be true. The proposer agrees to furnish such additional information, prior to acceptance of any proposal, relating to the qualifications of the proposer, as may be required by the City.



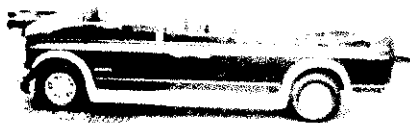
Hobie Cats Ocean Kayak and Boogie Board



Kite Surfing Equipment



Windsurfer



Chevrolet Van



Trailer



Waverunner